

JURY DECLARES BUTLERS GUILTY

Ex-Senator and His Brother Found to Have Criminally Libeled Adams.

AN APPEAL IS TAKEN

Court Urges Cessation of Litigation, but Lawyers Fail to Agree.

(Special to The Times-Dispatch.)
GREENSBORO, N. C., April 6.—“Guilty” was the verdict rendered by the jury in Guilford Superior Court this afternoon in the case of the State vs. Marion Butler and his brother, Lester F. Butler, who have been on trial since last Wednesday morning on the charge of criminal libel in publishing articles in the “Guionian” concerning former Judge Spencer B. Adams, accusing him of accepting bribes, and of official corruption as chief justice of the Choctaw and Chickasaw Citizenship Court in Oklahoma.

Judge Lofton imposed a fine of \$500 on Marion Butler, and taxed him with half of the costs. He fined Lester F. Butler \$250 and taxed him with half of the costs, adding that the reason for making Lester Butler's fine less than that of his brother was distinctly on the ground that he was a younger man.

Argument of counsel was concluded about 10:30 o'clock this morning, and Judge Lofton's charge consumed an hour, the case going to the jury at 11:45 o'clock. The jurors arrived at an agreement at 1:30 o'clock, when the courthouse bell summoned those interested into the courtroom.

Wants Litigation Stopped.
After a few minutes' delay the jury was sent for and rendered its verdict. Solicitor Jones Fuller prayed for judgment and counsel for the defense moved for a new trial, but Judge Lofton made a statement that if there was any way by which this criminal litigation, as well as the civil suit of Judge Adams vs. Marion and Lester Butler and the Caucasian Publishing Company could be stopped, it might influence him in pronouncing judgment in this case. In all, there are four criminal cases, and only one was argued. Judge Lofton said that if the litigation continued it would not only bankrupt the criminal docket, but would bankrupt some one's pocket.

He offered the suggestion that it might be well for the counsel on both sides to confer and see if they could not stop these suits, and to give them an opportunity to do so he announced that court would take a recess for a few minutes.

Unable to Agree.
Counsel did confer, but when court reopened Mr. Justice, of counsel for the defense, stated that they had been unable to agree, so in pronouncing judgment Judge Lofton stated that he did not care to try any more libel suits, and directed that the remaining three cases on the criminal docket be continued to some term beyond his jurisdiction, which will end in this district, June 20.

Justice, on the defense, moved for a new trial on the grounds stated in the objections and exceptions during the trial, and the fact that the verdict was against the weight of the evidence. From the judgment of the court the defense appealed, giving notice of appeal in open court, and the appeal bond being fixed at \$15,000.

The bonds of \$1,000 each for the defendants were renewed pending the appeal, the defense being given thirty days in which to make up a case on appeal, and the State thirty days thereafter to make up a counter-case and file exceptions, if desired.

NOT THOUGHT A LOAN.

State Did Not Expect to Repay Government Money.

(Special to The Times-Dispatch.)
RICHMOND, N. C., April 6.—Considerable interest is being manifested in official circles here in the bill recently introduced in Congress to require the States that participated in 1862 in the distribution of the surplus in the United States Treasury during Jackson's administration to reimburse the government. It seems that North Carolina received about \$1,500,000, and that it was variously invested in banks, railroads and other stocks, and the whole thing swept away as a result of the Civil War and subsequent corrupt Reconstruction administrations. A small part of the money was spent in digging the “Club Foot” Canal, connecting East Carolina sounds, and the United States still profits in a small degree now through the use of these old canal excavations in the construction of the great inland water way scheme under way.

The State has absolutely nothing to show for the loan, which it has never considered in the light of being a fund that would have to be repaid to the National Treasury. The old Cape Fear Bank and the Wilmington and Weldon Railroads were among the enterprises that received some of this fund in the way of stocks purchased by the State. The bank collapsed and the railroad stocks were exchanged by the State for State bonds in reducing the State indebtedness.

Just Received a Carload of
Mattings
Direct from China, all bright, new patterns, the nicest goods ever shown, 25c, 30c and 35c per yard.
All Mattings laid free.

NOTHING IMPOSSIBLE in cooking when you use an

Excelsior Gas Range

Everything can be cooked better and cheaper on this Gas Range.
Excelsior Gas Ranges from \$10 to \$35.

CHAMBER SUITS, PARLOR SUITS, DINING-ROOM SUITS, KITCHEN FURNITURE.
Rothert & Company,
Fourth and Broad Streets.



How Do You Do?

My name is “Jay Eli,” and I’m the biggest value that ever made a crisp twenty-dollar note crinkle with joy. I’m “materially” better than other Suits at the price and “fittingly” comparable with any twenty-five or thirty-dollar offering in town.

But, self-praise is no recommendation. Try me and you’ll buy me.

Just say “Jay Eli” at the door and the clerk will lead you to me.

Jacobs & Levy

Spring Hats Spring Shirts Spring Shoes

News of Petersburg

Times-Dispatch Bureau,
103 North Sycamore Street,
Petersburg, Va., April 6.

The farmers of Sussex and Prince George counties have recently been subjected to serious losses at the hands of some bold thief or thieves, the leader in the robberies being, as is believed, a notorious negro, who during the past few months has been operating on a large scale in this section in stealing horses, vehicles, harness, etc., and selling them to innocent parties. The name of this negro is unknown, as he passes at different places under different aliases. Within the past two weeks several farmers in Sussex have been robbed, one of a horse and buggy, another of a buggy and two sets of harness, others of all their harness. And yet the thief has escaped capture. A negro named Albert Taylor was arrested in Prince George several days ago on suspicion of implication in or knowledge of some of the robberies, and he was sent on to the Circuit Court for trial and admitted to bail in the sum of \$250. He is not believed to be the principal man wanted.

Narrow Escape from Drowning.

Lewis Jefferson, a youth about five years old, very narrowly escaped death by drowning in the river last evening near the Pocahontas Cotton Mill, in the western part of the city. He would have drowned but for the heroism of a little companion, Garland Collett, about the same age. A number of boys, the above two among them, were playing in a boat at the river bank, when some one warned them of their danger. The boys left the boat, and in doing so accidentally pushed it off shore with the little boy Jefferson still in it. The boat floated away toward the dam, and the Jefferson boy, fearing that it would go over the dam, as it subsequently did, jumped out.

He was in imminent danger of drowning when young Collett jumped in and went to his assistance and brought him to shore almost exhausted. The little fellow was promptly cared for and taken to his home on West High Street, where he is getting on all right. Master Collett has received much praise for his heroic conduct in saving the life of his companion.

Cutting Affair.

A difficulty occurred last night on Shepard Street between George Wheelhouse and Samuel Moore, white men, in which Moore was cut in the breast, the blade of the knife, it is said, penetrating to the lung. Wheelhouse was arrested, and his trial continued until Saturday to enable Moore to appear. Mrs. Wheelhouse was arrested at the same time on the charge of disorderly conduct, and was fined \$20 by the Police Justice this morning.

Frances Bland Randolph Chapter, Daughters of the American Revolution, had a pleasant meeting yesterday at the home of Mrs. Jackson, on Washington Street. The chapter took further steps toward marking points of Revolutionary interest in this vicinity. The historian read an interesting paper on Old Fort Henry, prepared by the late John W. Bradburn. Fort Henry was a fort erected to protect Petersburg in the first days of its settlement from incursions by the Indians.

Personal and Otherwise.
Miss Mattie Chappell and W. E. Ferrell were married this morning, and left for the North on their wedding trip. The ceremony was performed by the Rev. J. T. Bosman at the residence.

of the bride's uncle, John A. Chappell, on Market Street, in the presence of many friends of the couple.

Mrs. Mattie Chappell died this morning at the Petersburg Hospital from the effects of burns recently received at her home in Rose Alley.

Election of Fire Commissioners.

A joint session of the Board of Aldermen and Common Council was held this afternoon to elect a member of the Board of Fire Commissioners to fill the vacancy caused by the resignation of James Weddell. There was only one nomination for the place, and that was of John W. Friend, Jr., a well-known insurance man, who was unanimously elected.

To Invite President Taft.

A committee consisting of Mayor Jones, President N. T. Patterson of the Council, President W. N. Jones, of the Aldermen, General Smith Bolling and R. B. Davis, of A. P. Hill Camp, will go to Washington on Friday to meet the committee of Pennsylvania veterans to invite President Taft and Cabinet to visit Petersburg on the occasion of the unveiling of the monument erected on Fort Mahone in memory of Hartman's Division next month. The Governors of Pennsylvania and Virginia will attend the unveiling, and will also a great company of citizens of Pennsylvania. The State of Pennsylvania paid for the monument and will bear all expenses of its people to and from the unveiling.

SEAWELL DELIGHTED.

Had Fine Treatment and Expects the Appointment.

(Special to The Times-Dispatch.)
RICHMOND, N. C., April 6.—H. E. Seawell, the Roosevelt appointee for the Eastern Carolina judgeship, who failed of confirmation by the United States Senate, and whose fate is in the balance with President Taft as to reappointment, spent several hours in the city to-day, returning to his home in Cambridge, N. C., from a telegram from Attorney General Wickham, summoning him to the national capital to be “surveyed” along with the other candidates for the judgeship. Modesty, of course, prevented Mr. Seawell from making any statement as to the situation or his prospects for appointment, but he manifested every “symptom” of confidence in his ultimate reappointment. He was in a most intelligent manner of the treatment accorded him in Washington by President Taft, Mr. Wickham and the others. He has gained an impression of the situation and the appointment will be announced from the White House some time this week.

WORK BEING PUSHED.

New Interurban Line May Be in Operation by Last of Year.

(Special to The Times-Dispatch.)
BURLINGTON, N. C., April 6.—The work of grading the line of the Burlington Interurban Company, which will connect Burlington, Graham and New River, is progressing rapidly, being almost completed from Burlington to Graham. The road will parallel the line of the Southern Railway from Burlington to New River, a distance of four miles, and a spur will be extended from Graham Depot to Graham, about one mile distant.

It is the hope of the builders to have the road completed and in operation before the close of 1909.

Held for Murder.

(Special to The Times-Dispatch.)
NEWBERN, N. C., April 6.—Solomon Jones, colored, was bound over to court to-day under a \$200 bond, charged with the murder of William Green, colored. Both were employed by the Pine Lumber Company, and in a quarrel and fight over a load of slabs last week Jones struck Green with a slabs, which resulted in the death of Green. A jury which brought in a verdict of death resulted from the slabs, and the blow having been given by Jones. As a result of the coroner's verdict Jones was arrested, charged with the murder of Green.

For Playgrounds.

(Special to The Times-Dispatch.)
WEST POINT, VA., April 6.—The Town Council, at its regular meeting last night, was waited on by a committee, sent by the School Improvement League, asking an appropriation to assist the league in buying ground adjacent to the High School building, to be used as playground for the children. The committee was composed of Mrs. W. R. Broad, Mrs. Thomas P. Bagby, Misses Katharine Howerton, Mary Bland and Professor Swinley, principal of the High School.

After necessary explanations and pleasant discussion, the school appropriation was unanimously granted.

Circuit Court Convened.

(Special to The Times-Dispatch.)
WEST POINT, VA., April 6.—The regular term of the Circuit Court convened this morning at King William Courthouse. There is a full docket and prospects for a busy and interesting term. West Point is well represented by lawyers, and the court generally. Licenses, liquor and otherwise, will be issued at this term. No liquor licenses will be issued anywhere in the county, except in West Point.

Commissions Issued.

(Special to The Times-Dispatch.)
RALEIGH, N. C., April 6.—Commissions have been issued to Captain John D. Parker, of Charlotte, as inspector of small arms practice for the First Regiment, and to Lieutenant R. G. White, of Edenton, as lieutenant and battalion adjutant. Third Infantry. The latter vacancy was caused by the resignation of Lieutenant J. T. Dorch, of Goldsboro.

CARELESSNESS IS KIND OF SUICIDE

So Does Dr. Lofton Characterize Trespassing on Railway Property.

MAKES STRONG ADDRESS

Emporia Physician One of the Speakers at Meeting of Surgeons.

(Special to The Times-Dispatch.)
JACKSONVILLE, FLA., April 6.—Classing as a species of suicide the type of carelessness which leads many persons to trespass on the right of way of a railroad, and which annually results in a large number of deaths, for which the railroad companies are not primarily responsible, Dr. Lucien Lofton, of Emporia, Va., surgeon to the Southern and Atlantic Coast Line Railways, delivered an address this evening before the Association of Surgeons of the Southern Railway Company, on “The Railroad Trespasser.”

Besides having a large experience in railroad and general practice, Dr. Lofton is the president of the Southern Virginia Medical Association, corner, county physician and health officer of Greeneville county, and ex-president of the Seaboard Medical Association of Virginia and North Carolina.

Contributory Negligence.

Dr. Lofton defines the railroad trespasser as a person who has no contractual permissive or prescriptive right on the company's property. The question raised is one which annually causes the largest amount of trouble to the legal department of railroads.

The majority of fatal accidents resulting from trains stealing rides, persons jumping on moving coaches, entering gates, or using semi-public grade crossings against the rules of the company, and its posted warnings. Yet every court of equity hears annually numbers of suits against railroad corporations arising out of just such cases, in which, according to Dr. Lofton, “complications arise as a result of the unbalanced public, believing it a duty to give mankind to prosecute, persecute and execute every conceivable device within its reach to get on speaking terms with a railroad's treasury, presenting a claim for anything from wounded feelings due to delays emanating from a flood, or a tornado, to a slow schedule.”

While admitting that the public has its rights, which the railroads are bound to respect, Dr. Lofton claims that many alleged liabilities against railroad corporations are conceived in

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Upright	\$450	\$325
Upright	\$475	\$350
Upright	\$500	\$345
Upright	\$550	\$410
Upright	\$650	\$485
Upright	\$775	\$517
Upright	\$800	\$518
Upright	\$825	\$512

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Craft Piano Co.
214-216 North Fifth Street.

AFRAGRANT PRO-PHY-TOL DRUGSTORES 25c.

advance of the real happening. He expresses the opinion that many people are tainted with an enmity towards railroads, which he likens to a disease.

Held on Railroads.

Illustrating this type of trespasser, he says:

Should a man out of curiosity board a train infected with a serious malady, and in turn become infected, he would believe he had sufficient and just ground to recover legally a penalty. Should a lawfully posted crossing be in his course, whether asleep, intoxicated or indifferent, and he receive injury by being struck by a passing train, the positive conclusion is promptly reached that the company owes him a sum of money. If he receives a clinder in his eye while passing along a public highway parallel to a railroad, and serious local involvement results, the first emergency is a suit for damages.

If a railroad right of way is found to be a better driveway or walkway than that on which he is entitled, and he is the victim of an injury of his own volition, or by a scheduled train, the court must be called on to adjust the trespasser's claim. In the current boards a moving train and is injured thereby, the railroad must defray all expenses incident to his illness and compensate him moderately, immediately or otherwise, provided he has “standing in his community.”

Drain on Civilization.

The unnecessary loss of life which follows from this class of carelessness, Dr. Lofton classes as a drain upon civilization, and one which demands immediate and an heroic antidote. He endeavors to show that from 1888 to 1908 approximately 110,000 trespassers lost their lives outright on railroads in the United States. The railroads being held responsible in a large number of these instances.

Dr. Lofton concludes: “The consideration that any private enterprise is accorded under the law. Many States have stringent laws prohibiting trespassing upon railroads, but it is not always possible to enforce them. Europe prohibits and punishes the trespasser, and he is rapidly becoming extinct in that part of the world. A popular, healthy public sentiment has caused to demand that the various State laws should be enforced against the railroad trespasser, believing that the responsibility must be laid at the door of the public, as it is alone capable of regulating not only the railroads, but the trespassers as well.”

Will Move Church.

(Special to The Times-Dispatch.)
MCKENNEY, VA., April 6.—A special church conference was held at Asbury Methodist Episcopal Church, about one mile from here, for the purpose of considering the advisability of moving the church building from its present location to McKenney. A decided majority of the working element was present, and after debating the matter both for and against the question was voted on, which resulted in a vote in favor of moving the building. It is understood that the work will be begun in May.

Lodge Is Organized.

(Special to The Times-Dispatch.)
VIRGINIA, VA., April 6.—Under a dispensation from Most Worthy Grand Master Joseph W. Eggleston, a Masonic lodge was organized at this place last night, with a membership of fifteen. The following were elected officers: A. L. G. Stephenson, worshipful master; P. D. Drewry, senior warden; J. L. Wilborn, junior warden; T. G. Cook, treasurer; Max Horn, secretary; J. Lee McCann, senior deacon; D. H. Tick, junior deacon, and P. B. Bohannon were named as stewards.

Convention in Session.

(Special to The Times-Dispatch.)
SALISBURY, N. C., April 6.—The sixteenth annual convention of the North Carolina Sanitary Association, which convened at Concord to-night with a representative gathering of delegates from all parts of the State, is attending the State president for the year is Rev. C. Brown Cox, D. D., of Burlington, N. C. The convention will remain in session three days.

Resigns His Position.

(Special to The Times-Dispatch.)
RALEIGH, N. C., April 6.—D. H. Milton, for the past six years chief clerk to the State Commissioner of Insurance, has resigned to accept the position of chief of the Home Building Company of High Point. Commissioner Young has not yet announced who will succeed Mr. Milton. Mr. Milton left to-day duties.

ANDREW J. CLOUD
IS NOW ON TRIAL

He Faces Court Charged With the Murder of His Brother-in-Law.

(Special to The Times-Dispatch.)
WINCHESTER, VA., April 6.—Andrew J. Cloud, a prominent merchant of White Hall, was placed on trial in the Circuit Court to-day for the murder of his brother-in-law, North Shirley, last October. His plea was self-defense and justification.

Shirley is alleged to have made persistent threats against the women of Cloud's family and is said to have conspired against his own sister. The principal witness to-day was Miss Gertrude Cloud, daughter of the defendant, who told a pitiful story, between shots of what Shirley had threatened to do.

Shirley and a crowd of young men created a disturbance in Cloud's store, and it is alleged that when Shirley attacked Cloud the latter leaned over the counter and shot Shirley, who died ten days later.

Great crowds of people gathered at the courthouse to-day to attend the trial, which is being presided over by Judge Thomas W. Harrison, who was judge in the noted Strother case at Culpeper.

When the crowd applauded and cheered once during to-day's proceedings Judge Harrison ordered Sheriff Purcell to clear the court-room if the demonstration was repeated, and there was no further trouble.

Commonwealth's Attorney Herbert S. Larrick is prosecuting the case, and Richard B. Byrd represents the defendant.

Jury Disagrees.

The jury in the case of George W. Abbott, who was placed on trial in Hanover County, Va., in the Circuit Court at Romney last week, for murder of John B. Chapman, in front of the latter's store, at Slanesville, last July, after being out many hours, announced last evening that it was unable to agree and was discharged. Six jurors were called for a new trial, the first degree of murder for capital

Appetizer, Tonic and Strength Builder



Mr. David Nee, aged 101.

Mr. David Nee, of Fort Atkinson, Wis., who is 101 years old, hale and vigorous, is loud in his praises of Duffy's Pure Malt Whiskey. He enjoys good health, due to the use of the World's greatest tonic stimulant. Mr. Nee recommends it to the old, weak and infirm.

Recently Mr. Nee wrote: “I wish to say that I was 101 years old July 7, 1908, and proud to say that I am still enjoying good health, due to the use of your great tonic stimulant.”

“I can cheerfully recommend Duffy's Pure Malt Whiskey to all old, weak and infirm people as a fine appetizer and strength builder.”

Every testimonial is guaranteed genuine and is published in good faith with full consent.

Mr. Nee's experience is similar to that of thousands of other men and women who have been kept strong and vigorous in their old age by the use of Duffy's Pure Malt Whiskey.

Duffy's Pure Malt Whiskey

is the greatest strength builder and tonic stimulant known to medicine. It attacks the seat of the disease, drives out the germs and rebuilds the weakened tissues in a gradual, healthy, natural manner. It is an absolute cure and preventive of consumption, pneumonia, grip, bronchitis, coughs, colds, malaria, low fevers and all wasting, weakened, diseased conditions, if taken in time.

It is invaluable for overworked men, delicate women and sickly children. It strengthens and sustains the system, is a promoter of health and longevity, makes the old feel young and keeps the young strong.

CAUTION.—When you ask your druggist, grocer or dealer for Duffy's Pure Malt Whiskey be sure you get the genuine. It's an absolutely pure medicinal malt whiskey, and is sold in sealed bottles only—never in bulk. Look for the trademark, the “Old Chemist,” on the label, and make sure the seal over the cork is unbroken. Price, \$1.00. Write consulting physician, Duffy Malt Whiskey Co., Rochester, N. Y., for a free illustrated medical booklet and free advice.



COMMITTEE WILL VISIT PRESIDENT

Taft Will Be Invited to Attend As Yet No Bitterness Has Been Injected Into Norfolk's Campaign.

(Special to The Times-Dispatch.)
ALEXANDRIA, VA., April 6.—President Taft will to-morrow morning be formally invited to be present in this city April 30, the occasion being the dedication of the George Washington Park. A committee of five members of the executive committee, headed by Representative Carlin and President W. B. Smoot, of the George Washington Monument Association, will call at the White House in person and invite Mr. Taft to be here on that occasion.

The same committee will also visit the Secretary of War and the Secretary of the Navy. They will urge the former to send to this city on that occasion all of the troops stationed at Fort Myer, Fort Hunt and the Arsenal; also the Secretary of the Navy to order the Marines and sailors here, and that each representation be accompanied by bands of music.

Representative Carlin was requested to introduce in the House a resolution making the day a whole or half holiday, and that the one hundred and twentieth anniversary of the inauguration of Washington as President. It was also decided to ask Senators Daniel and Martin to urge the passage of the bill.

Twenty-one members of the George Washington Birthday Association were added to the executive committee, and they have decided as individuals to work hard from now on for the success of the day. It was also decided by them to abandon the plan to give a parade February 22 next in honor of Washington's Birthday, as is their custom. The meeting lasted until midnight, and during the evening contributions amounting to \$200 were made up. President Smoot announced that \$450 had already been secured. The finance committee, headed by President Smoot, started out this morning soliciting subscriptions, and they reported having met with considerable success.

Big Barbecue.

One of the features planned last night was a big barbecue, which will be held on the site of the park, Saturday, April 24. At this affair the visiting troops and guests will be entertained. P. Von de Westlake was named as chairman of the committee on arrangements for the barbecue.

The various secret societies of this city and vicinity will be invited, as will also the Maryland Agricultural cadets.

Announcement was made by Secretary Wedderburn that he had invited the following guests to be here on that occasion: Governor Swanson, Lieutenant-Governor Elyson, the District Commissioners, Admiral Schley, Mayor of Baltimore and others. His action in the matter was ratified.

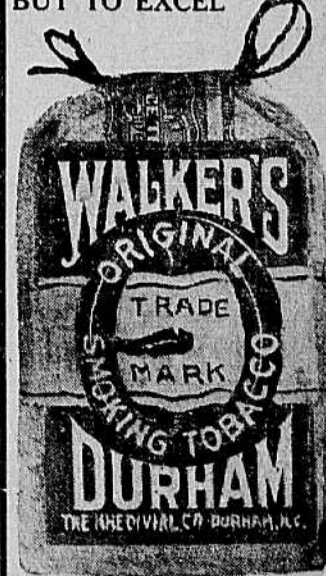
At the meeting the following were elected officers of the executive committee: W. B. Smoot, president; A. D. Brockett, vice-president; J. Y. Williams, secretary; C. B. Swan, assistant secretary.

The entire affair will, it was stated, cost about \$3,500. The committee feels confident that it can raise this amount within a comparatively short time.

Work of erecting the inaugural court of honor for the homecoming week, which will begin April 21, is progressing in a very satisfactory manner. Following the parade the court of honor will be disposed of at the best price that can be secured for it. During the homecoming week a big celebration will be held. Judging from previous indications the affair will prove to be a big success, as the members of the George Washington Birthday Association have injected new life into the whole matter, and they propose to see that it is a success.

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Beware of Imitations
Signature *Cast H. Little*

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